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January 28, 2005
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Date: January 13, 2004

Case No: BOAA-04-001 (LDV0301977)

Applicant: Trinity Reformed Church

Location: 2314 Bannerman Road

Request: The applicant is requesting an appeal of a determination by the Leon County Public Works Department and the County Attorney's Office. The request is to appeal the required concrete sidewalk for the proposed expansion of Trinity Reformed Church. This appeal is based on the Administrative decision of the Leon County Public Works Department and the County Attorney's Office. These policies and regulations, in general, require a safe bicycle and pedestrian interconnection in conjunction with existing and planned roadways. The applicant is appealing the determination for sidewalks for this proposed development, stating the lack of existing sidewalks and the need for sidewalks in this area has not been demonstrated.

Case Comments: The church is located in the Residential Preservation zoning district. The church development had been approved by the Development Review Committee (with conditions) on October 29, 2001. The DRC approved modifications to the site plan on December 18, 2002. On December 10, 2003, the applicant applied for an appeal of this interpretation. On December 23, 2003, the County Attorney's Office made a motion to dismiss this item due to the BOAA's lack of jurisdiction in the decision of this appeal. The County Attorney's Office noted that an appeal of the DRC is required to be heard by a hearing officer, pursuant to Section 10-1485 of the County's Land Development Code.

Decision: The item was heard by the Board from Suzanne Schmith, Assistant County Attorney. She requested that the County's motion to dismiss be granted. Mr. Luis Serna, agent for the applicant, requested that the Board grant a full refund. His request was based upon the direction he had received from Leon County Public Works, Growth Management and the Planning Department to come before the BOAA for this appeal. A motion was made to dismiss the case and grant the refund. The motion passed 6-0.

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Date: February 12, 2004

Case No.: BOAA 04-002 (LDV0400056)

Applicant: Kenneth & Kathleen Swanson

Location: Single-family residence located at 11128 Pennewaw Trace in the Turkey Roost Mini-Farms Unrecorded subdivision identified by Leon County Parcel Identification Number 12-24-15- B-025-1.

Request: Request for a variance to construct an accessory structure that would comprise approximately 2,328 square feet and would exceed the 33% maximum allowed in the Residential Preservation zoning district.

Case Comments: The parcel is located in the Rural zoning district and has a Future Land Use Designation of Rural. The parcel is also within a Residential Preservation overlay zone. The existing accessory structure comprised 576 square feet. The applicant proposed to construct an addition that would bring the total square footage up to 2,328 sq ft. The size of the principal dwelling was determined by survey to be 1,915 square feet. Based on the size of the dwelling, the accessory structure could be no larger than 632 square feet. This requirement is based on Section 10-1102 of the Leon County Land Development Code. The applicant had originally been cleared for the building permit, based on the Rural Future Land Use. However, during the review of the permit, the County Attorney's Office determined that properties located in subdivisions with the RP overlay must comply with the 1/3 rule. None of the notified residents or homeowners associations responded in favor of or in opposition to the request.

Decision: Variance granted on February 12, 2004. The decision was unanimous with five in favor to none opposed. The applicant was allowed to construct an addition to the existing accessory structure, which would result in an accessory structure that comprised of 2,328 square feet. This would exceed the 1/3 size limitation.

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Date: March 11, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: April 8, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: May 13, 2004
Case No.: No County items
Applicant:
Location:
Request:
Case Comments:
Decision:

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Date: June 10, 2004

Case No.: BOAA 04-003 (LDV0400823)

Applicant: David & Debbie Dewell

Location: A single-family home located at 8275 Hunter's Ridge Trail, in the Killearn Lakes Unit 2 Recorded Subdivision and identified by Leon County Parcel Identification Number 14-03-50- AM-003-0.

Request: Request for a variance from Chapter 27, Section 6.7, which pertains to the R-3 (Single-family residential) zoning district of the previous Leon County Land Development Code and requires that the principal structure must maintain a 25 feet rear setback. The request is to construct an addition to the single-family home that would extend 9 feet into the rear setback.

Case Comments: The parcel is located in the Killearn Lakes Unit 2 Subdivision and is currently zoned Residential Preservation (RP) and has a Future Land Use Designation of (RP). The applicant was proposing to construct an addition to a single-family dwelling that would extend nine (9) feet into the rear setback. The addition is being built upon an existing concrete pad/patio. Verbal confirmation was received by staff from the Killearn Lakes Homeowner's Association approving the request. Written confirmation was received after the hearing on June 11, 2004. None of the notified homeowners responded either in opposition to or in favor of the request.

Decision: Variance granted on June 10, 2004. The applicant was allowed to construct an addition to the single-family dwelling that would extend nine (9) feet into the rear setback. The vote was passed with five in favor to none opposed.

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Date: July 8, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: August 12, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: September 9, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: October 14, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: November 11, 2004

Case No.: No County items

Applicant:

Location:

Request:

Case Comments:

Decision:

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Date: December 9, 2004

Case No.: BOAA-04-004 (LDV0401643)

Petitioner: Nicholas & Mary Klonis

Location: A single-family home located at 2137 Longview Drive, in the Lake Jackson Heights Recorded Subdivision and identified by Leon County Parcel Identification Number 21-03-65- D-011-0.

Request: Requesting an appeal of an administrative decision in which their proposed use of an accessory structure as a second dwelling unit was denied. This decision to deny the petitioner of the proposed use was based upon the allowed uses of the current zoning of Lake Protection (LP) as noted in Section 10-919(b) of the Leon County Land Development Code.

Case Comments: The property consists of a single-family home and a detached accessory structure. The petitioner had received an "after the fact" permit in 1999 for an "alteration to an existing garage". The permit was approved for a non-residential structure for storage use only. The County received a complaint in May 2004, alleging that the petitioner was utilizing the accessory building as a dwelling and were constructing an addition without a permit. The petitioner applied for and received an "after the fact" permit for the addition. The petitioner verbally requested on September 14, 2004 to be allowed to use the accessory structure as a second dwelling. Based on Sections 10-919 and 10-1209 of the Leon County Land Development Code, the County forwarded two letters dated September 23, 2004 and October 29, 2004, formally denying the request. On November 9, 2004 the petitioner filed an administrative appeal of the decision. The County's office represented by Cherry Shaw submitted a response to the plaintiff's appeal requesting the Board to deny the relief requested. The County notified 20 homeowners and received fifteen in favor of the County's decision. There are no active Homeowner's Associations for this subdivision.

Decision: After consideration and review of the presentations, arguments, and witness testimony by the plaintiff's counsel and the County Attorney's Office, the appeal was denied on December 9, 2004 by a vote of five (5) in favor to one (1) opposed. The petitioner was ordered to cease the use of the accessory structure as a dwelling unit. The petitioner was also ordered to perform all alterations required in Correction

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Case No.:

BOAA-04-004 (LDV0401643) **continued:**

Notices dated August 25, 2004 and August 30, 2004, posted on the Petitioner's property. The petitioner shall also apply for and obtain an official Certificate of Completion from the Building Inspection Division of Growth and Environmental Management. The plaintiff's counsel requested a re-hearing, but was denied by Board's Counsel pursuant to County Code.